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1 — Cotton herbicide gets nod from state Plant Board; AR Dem Gaz; 11/22/17

<http://www.arkansasonline.com/news/2017/nov/22/cotton-herbicide-gets-nod-from-panel-20/>

A committee of the state Plant Board on Tuesday recommended that a new herbicide by Dow Agrosiences for use on cotton tolerant of 2,4-D be allowed in Arkansas next season. The 3-1 vote moves the matter to the full Plant Board when it next meets on Dec. 12. The board's approval would then send the issue to a 30-day public comment period and to a public hearing.

2 - Commission approves loans, AR Dem Gaz; 11/21/17

<http://www.arkansasonline.com/news/2017/nov/21/commission-approves-loans-two-corps-mem/>

The Arkansas Natural Resources Commission has approved up to about \$4.2 million in loans to four water and wastewater utilities. A loan of up to \$3 million over up to 20 years will go to Riversouth Rural Water District, which has 1,695 customers, to connect to the Franklin-Sebastian Public Water Authority and for improvements of a water line along Deer Track Trail and Arkansas 23.

3 - Study: Harmful bacteria thrive in water contaminated near drilling, E&E, 11/22/17

<https://www.eenews.net/energywire/2017/11/22/stories/1060067161>

Texas researchers say they've found harmful bacteria in contaminated groundwater near Texas shale drilling sites, saying the discovery could explain some of the more unusual maladies claimed by neighbors of oil and gas production. Hildebrand cautioned that the research doesn't prove a direct correlation between oil and gas operations and the bacteria. But he said the researchers are continuing to study the connection.

4 - Whitefish halts work over unpaid \$83M, E&E, 11/22/17

<https://www.eenews.net/energywire/2017/11/22/stories/1060067147>

The Montana-based contractor tapped by Puerto Rico's bankrupt public power company, the Puerto Rico Electric Power Authority (PREPA), to lead post-hurricane restoration has suspended its work on the island, citing \$83 million in unpaid invoices. The stoppage throws into doubt the future of an important transmission line running from the energy-producing south to the power-consuming north, as well as the wider recovery effort.

5 - Buyout stories: 'We are kind of being hollowed out', Greenwire, 11/22/17

<https://www.eenews.net/greenwire/2017/11/22/full>

Three hundred seventy-two U.S. EPA employees took buyouts this year, with the enforcement and research offices among the hardest hit, according to agency data obtained by E&E News. "We are going to be able to hang a shingle on the outside of the building and still call it EPA," a union official said, "but we're not going to be able to still do what EPA used to do."

6 - Wastewater plant spilled 100M gallons in storm, records show, Greenwire, 11/22/17

<https://www.eenews.net/greenwire/2017/11/22/stories/1060067203>

A wastewater plant operated by BASF Total Petrochemicals LLC in Port Arthur, Texas, was responsible for the largest single wastewater spill during Hurricane Harvey, with more than 100 million gallons released. But the spill did not hurt the environment, according to the company. "Our process water systems were not compromised — no process chemicals in the water," said spokesman Bob Nelson. "The release was mostly rainfall, and some floodwaters."



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Cotton herbicide gets nod from state Plant Board

By Stephen Steed

This article was published November 22, 2017 at 4:30 a.m.



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A committee of the state Plant Board on Tuesday recommended that a new herbicide by Dow Agrosciences for use on cotton tolerant of 2,4-D be allowed in Arkansas next season.

The 3-1 vote moves the matter to the full Plant Board when it next meets on Dec. 12. The board's approval would then send the issue to a 30-day public comment period and to a public hearing.

Danny Finch, a Jonesboro farmer appointed by the governor to represent cotton growers, voted against issuing the label, calling 2,4-D a threat to other varieties of cotton that are not genetically modified to be tolerant of the chemical.

Finch compared the potential threat with damage reported this year to soybeans and other crops caused by dicamba. "We're in the fields and we're seeing the product move off target," Finch said. "We don't want to go through this like we did with dicamba."

The state received nearly 1,000 dicamba complaints this summer.

Dow recently gained approval from the federal Environmental Protection Agency for Enlist One, a herbicide for the company's Enlist cotton system. The 34 cotton-growing states where the herbicide has been approved are

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allowed by federal law to make their state labels more restrictive.

Dow representatives told members of the board's pesticide committee that its studies show Enlist One is less susceptible to physical drift and to "volatilizing," or vaporizing off sprayed plants and moving to distant fields.

Weed scientists with the University of Arkansas System Division of Agriculture, who said they've studied the herbicide for four or five years, agreed. "We haven't seen any unexplained movement," said Jason Norsworthy, a UA weed scientist.

A colleague, Tom Barber, said the herbicide also has proved to be an effective weedkiller, especially weeds that have grown tolerant to glyphosate and other chemicals.

Of the 500,000 acres of cotton planted in Arkansas this year, about 15,000 acres were of the Dow Enlist variety. The company expects to have 80,000 Enlist cotton acres in Arkansas next year.

Finch said wider use of the cottonseed will result in more spraying and a higher risk to other cotton varieties. "My phone starts ringing when you talk about 2,4-D coming near cotton," Finch said. "We get calls when it's used on golf courses. We get calls when it's used on cemeteries. You better be really careful when you bring that to town."

Farmers who sign contracts with Dow to plant 2,4-D tolerant cotton will see those contracts pulled by the company if they use illegal 2,4-D products, Jonathan Siebert, a Dow representative, told the board.

Fines of up to \$25,000 for egregious violations of Arkansas pesticide law will be in place next year.

Siebert said the company also gave farmers a \$4.50-an-acre rebate this year to encourage purchase and use of Enlist Duo, a blend of 2,4-D choline and glyphosate that was allowed in Arkansas this year. Enlist One is a single-ingredient herbicide that can be mixed with other chemicals, including glufosinate and glyphosate.

The committee later took no action on Dow's effort to get a new rice herbicide, Loyant, into the Arkansas market next year after Denny Stokes, a Plant Board member representing aerial applicators, noted problems in the label approved by the EPA.

The label, Stokes said, wasn't consistent with Dow's own research. Approving the label in Arkansas would be "laying a trap" for aerial applicators and setting them up for violations of Arkansas pesticide regulations, he said.

Siebert and other Dow representatives agreed and said they'd contact the EPA to make changes.

Siebert also said no regulators from other states that have already approved the herbicide had noticed the problems in the label found by Stokes.

Business on 11/22/2017

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Environmental notebook

By Emily Walkenhorst

This article was published November 21, 2017 at 1:00 a.m.



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Commission approves loans

The Arkansas Natural Resources Commission has approved up to about \$4.2 million in loans to four water and wastewater utilities.

A loan of up to \$3 million over up to 20 years will go to Riversouth Rural Water District, which has 1,695 customers, to connect to the Franklin-Sebastian Public Water Authority and for improvements of a water line along Deer Track Trail and Arkansas 23.

The commission will also loan up to \$600,000 over up to 20 years to the city of Norphlet to construct 23,250 feet of a sewer pipeline connecting treatment ponds to Smackover Creek. The city has 319 customers.

Midway Public Water Authority will get a loan of \$550,000 over up to 10 years to replace water meters and prevent revenue losses related to old meters for its 880 customers.

A grant of up to \$92,700 will go to Wabbaseka, which has 127 sewer customers, to rehabilitate two sewer lift stations.

The commission also elected to recall funds from three cities: \$280.34 from Alicia, \$77,250 from Running Lake and \$2,880 from Turrell. In all three places, the projects were completed and no longer needed funding.

Two corps members selected for panel

President Donald Trump has appointed a new president of the Mississippi River Commission and a new commission member, according to the U.S. Army Corps of Engineers.

Maj. Gen. Richard Kaiser will be the president, and Col. Paul Owen will join the commission.

Kaiser is the commander and division engineer of the Corps' Mississippi Valley Division in Vicksburg, Miss., according to a news release from the U.S. Army Corps of Engineers. Kaiser has also been commanding general of the Combined Security Transition Command and deputy chief of staff for Security Assistance, Headquarters, Resolute Support in Afghanistan.

Owen is the commander and division engineer of the Corps' Southwestern Division in Dallas. He formerly served as the chief of staff for the Corps in Washington, D.C.

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The commission, created by Congress in 1879, oversees improvements along the Mississippi River, including flood prevention and navigation enhancement.

Pollution board wraps up its year

The Arkansas Pollution Control and Ecology Commission has canceled its final meeting of 2017.

The commission, which is the appellate body for the Arkansas Department of Environmental Quality, was scheduled to meet Dec. 1.

The meeting was canceled, according to an email from the commission's secretary, because of a lack of agenda items.

NW News on 11/21/2017

Print Headline: Environmental notebook



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THE TRANSFORMATION OF THE ENERGY SECTOR

GROUNDWATER

Study: Harmful bacteria thrive in water contaminated near drilling

Mike Soraghan, E&E News reporter

Published: Wednesday, November 22, 2017

Texas researchers say they've found harmful bacteria in contaminated groundwater near Texas shale drilling sites, saying the discovery could explain some of the more unusual maladies claimed by neighbors of oil and gas production.

"It's an ideal breeding ground for some of these more pathogenic bacteria," said Zac Hildenbrand, one of the researchers on the study. In one area they investigated, he said, "people have been complaining of skin lesions. These bacteria cause skin lesions."

Hildebrand cautioned that the research doesn't prove a direct correlation between oil and gas operations and the bacteria. But he said the researchers are continuing to study the connection.

Hildenbrand leads a small consulting firm called Inform Environmental and is closely affiliated with a testing center at the University of Texas, Arlington, called the CLEAR Lab. CLEAR stands for Collaborative Laboratories for Environmental Analysis and Remediation.

Hildenbrand and his fellow researchers at the university published three studies on the oil-field bacteria in recent months. They were announced Tuesday by the school. They were published in two journals, *Science of the Total Environment* and *Microorganisms*.

The oil and gas industry contests many accusations of groundwater contamination. But oil and gas regulators at the Texas Railroad Commission have reported they're dealing with 577 cases of groundwater contamination from oil and gas operations, including 37 added in 2016 ([Energywire](#), Aug. 1). The agency says none of those contamination cases resulted from the specific practice of hydraulic fracturing.

Two industry groups contacted about the study did not respond to requests for comment.

The key factor in the studies is a new method to detect bacteria in groundwater, looking well beyond what drinking water regulations require. The new method is called "matrix-assisted laser desorption/ionization time-of-flight mass spectrometry," or MALDI-TOF.

The researchers found harmful bacteria can thrive in groundwater contaminated by natural gas constituents and chemical solvents. They also found the bacteria are particularly resistant to antibiotics and traditional forms of disinfection, such as chlorination.

Their third study identified two unique species of bacteria that could be used for bioremediation of contaminated groundwater. They demonstrated the potential to degrade toluene and chloroform. CLEAR does remediation, as does Inform Environmental.

Hildenbrand said the research raises the prospect that those who have complained of health problems at oil and gas sites were not sickened by drilling chemicals. Instead, their water could have been contaminated by bacteria that thrive in waters polluted by oil and gas operations.

As the shale boom has intensified in recent years, people have complained about nausea, numbness, headaches and other symptoms. Cancer and birth defects have been linked in preliminary research to heavy drilling in an area.

Hildenbrand said when he researched groundwater contamination in Parker County, Texas, he frequently got a rash on his exposed legs just above his socks. Now he wonders if there's a connection.

Hildenbrand has published several other studies pointing at groundwater contamination from oil and gas operations, drawing criticism from the industry. But the researcher said he has also been criticized by environmental groups for working with oil and gas companies, such as Apache Corp.

"I'm all for responsible shale development," Hildenbrand said. "But we can't fool ourselves and say no one has ever cut corners."

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THE TRANSFORMATION OF THE ENERGY SECTOR

HURRICANE MARIA

Whitefish halts work over unpaid \$83M*Published: Wednesday, November 22, 2017*

The Montana-based contractor tapped by Puerto Rico's bankrupt public power company, the Puerto Rico Electric Power Authority (PREPA), to lead post-hurricane restoration has suspended its work on the island, citing \$83 million in unpaid invoices.

In a letter sent to PREPA on Sunday, Whitefish said it could not afford upfront costs for its four Florida-based subcontractors without receiving past-due payments and assurances of compensation for future work on the island.

"There is no basis for PREPA to withhold payments from [Whitefish] and PREPA's refusal to make timely payments is a breach of the contract," wrote the company.

Amid scrutiny by Congress and federal investigators, Whitefish's \$300 million contract with PREPA was canceled last month, but the company was slated to go on working until Nov. 30.

The stoppage throws into doubt the future of an important transmission line running from the energy-producing south to the power-consuming north, as well as the wider recovery effort. Whitefish's subcontractors say they will leave the island instead of continuing work under PREPA (Andrew Scurria, *Wall Street Journal*, Nov. 20). — DI

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THE LEADER IN ENERGY AND ENVIRONMENT NEWS

EPA

Buyout stories: 'We are kind of being hollowed out'

Kevin Bogardus and Hannah Northey, E&E News reporters

Published: Wednesday, November 22, 2017

U.S. EPA headquarters in Washington. Claudine Hellmuth/E&E News

Barbara Aldridge knew it was time to leave U.S. EPA.

Now 64, she had worked at the agency for 26 years, restoring wetlands along the Gulf Coast and policing Superfund compliance. But Aldridge's husband died last year, and then the election ushered in the Trump administration — and a reckoning for EPA.

"The change in direction at the agency has been demoralizing," Aldridge said. "The political climate was turning in a very bad direction."

So Aldridge decided to tune out "distressing" news and focus on her future. She joined hundreds of EPA employees who accepted buyout packages this year. Her last day was Aug. 31.

"The time was right for me personally," she said.

Aldridge accepted an offer from EPA's fiscal 2017 "early out" and buyout round, known formally as the Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments, or VERA/VSIP, program. Approved by the Office of Personnel Management, the buyouts offered this summer are part of Administrator Scott Pruitt's efforts to reshape EPA and a greater Trump administration push to reorganize the entire federal government.

Overall, 372 EPA employees took buyouts offered in this round, according to agency data obtained by E&E News under the Freedom of Information Act. Twenty-eight of those former employees, including Aldridge, once worked in the Region 6 office in Dallas.

Those buyouts could hinder the agency's operations, warned Clovis Steib, president of American Federation of Government Employees Local 1003, which represents employees in the Dallas office.

"We are going to have to do more with less," Steib said. "We are kind of being hollowed out from the inside."

He added, "We are going to be able to hang a shingle on the outside of the building and still call it EPA, but we're not going to be able to still do what EPA used to do."

While hundreds left EPA under this year's buyout program, the agency had proposed for many more to exit. It offered to buy out 1,227 positions during this latest round (*Climatewire*, July 17).

When asked about the criticism from those leaving the agency, EPA spokeswoman Liz Bowman pointed to the majority of employees eligible for buyouts who decided to stay.

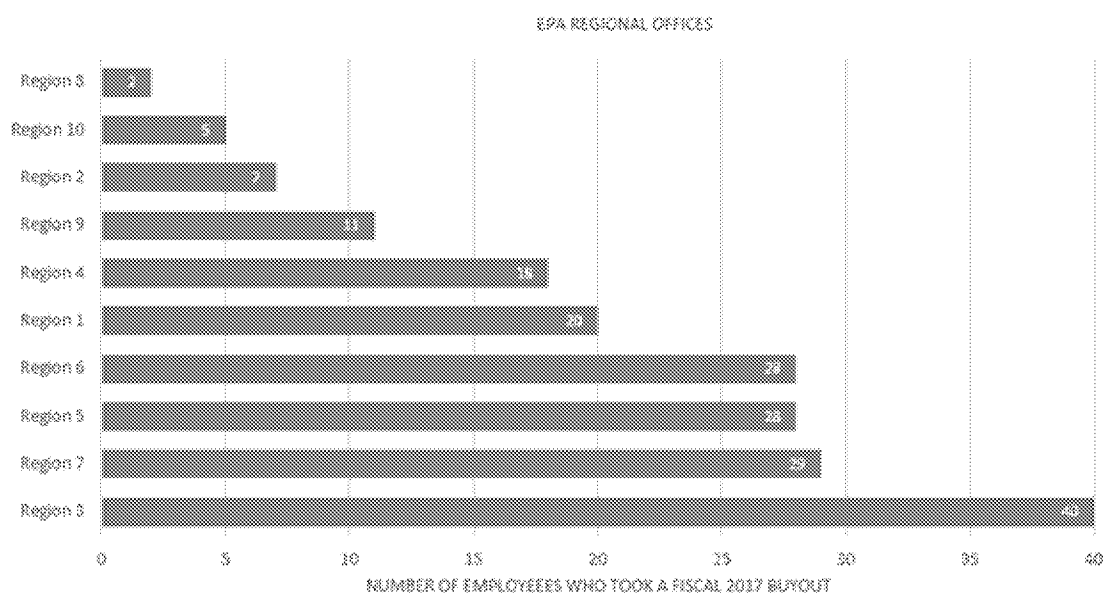
"About 70 percent of people eligible for a buyout chose to stay at EPA under Administrator Scott Pruitt's leadership to refocus the agency on back to its core mission of providing Americans with clean air, land and water," Bowman said.

But some regional offices took big hits.

In Philadelphia-based Region 3, 40 employees left in the latest round. Twenty-nine employees left the Region 7 offices in Lenexa, Kan., while 28 employees in both Chicago's Region 5 and Dallas's Region 6 accepted offers.

Employees in EPA program offices took buyouts as well, including 39 from enforcement, 29 from research and 25 from administration and resources management.

Among cities where EPA employees work, Washington, D.C., easily saw the most leave the agency with at least 121, followed by Philadelphia at 33 and Chicago at 27.



[+] Chart: Claudine Hellmuth/E&E News; Data: Obtained under FOIA

'Political kerfuffle'

Some decided to leave EPA with a bang.

Lynda Deschambault, a trained chemist, had no plans to leave her post at the agency. She was a remedial project manager overseeing the cleanup of the abandoned Leviathan open-pit sulfur mine in California's Alpine County, a Superfund site.

Yet her 20-year-career at the Region 9 office in San Francisco ended in August when she opted to take a buyout.

In an Aug. 31 *letter* to her colleagues, Deschambault, 56, laid out the issues fueling her decision to leave, including concerns about unhealthy air quality at the San Francisco office and questions surrounding the agency's efforts to "streamline" the Superfund program and how doing so would affect her work at the Leviathan mine.

Deschambault said programmatic cuts to the Superfund program had taken their toll and the agency has struggled to keep pace with a growing list of contaminated sites. When she asked management about Pruitt's efforts to "streamline" the program — and what that meant for her work at the Leviathan mine — she was told to "strive for compromise and try to be as 'invisible as possible,'" according to her letter.

Also on her mind was a desire to communicate more effectively on the issue of climate change.

"On a philosophical level, the recent political pressures and bureaucracy have created an atmosphere that is at odds with our agency's stated mission," Deschambault wrote.

"I fear that my talents, as well as those of many of my colleagues, will no longer be utilized in a positive manner and additional cuts will be experienced."

EPA data indicate 11 employees in Region 9 took buyouts during this round, although there may have been a few more. Mark Sims, president of the EPA Unit of the International Federation of Professional and Technical Engineers Local 20, based in Region 9, said EPA management told him 16 workers there took buyouts.

Sims said, "I'm sad to see the folks go." The union official also noted EPA's work still needed to be done.

"For the people that leave, they are assigning their work to existing staff," Sims said. "I think it's a bad thing because it means the work is being done less effectively."

Others at EPA who took buyouts felt more sanguine about leaving the agency.

Brendan Doyle worked in EPA's research office, specifically as a senior adviser in the National Homeland Security Research Center. With 32 years of service at the agency, he had seen both Democratic and Republican administrations come and go.

"I would say that 95 percent of EPA employees just come to work, put their hard hat on, want to feel like they are making a difference, and then go home," said Doyle, 66. "This political kerfuffle that is constantly going on at the top of the agency is very unfamiliar to them."

Doyle took a buyout after having completed a major project and believing it was time for the younger generation to step up.

"I felt with the incoming administration, I might be more helpful to let the next generation take over," Doyle said.

Some employees leaving EPA had similar sentiments as Doyle. Joe Janczy, 52, who worked in Madison, Wis., to help oversee the state's drinking water program as part of the EPA Region 5 team, said he didn't want a younger person to lose his or her job if he remained.

"By me staying on in my position, I might be eliminating an opportunity for a younger person to stay on," Janczy said.

But Janczy, who spent 24 years at EPA, found out his position was later included on a list of jobs that would be eligible for a buyout. That was a surprise to him because he was told previously his slot would not be up for a buyout.

That, along with consideration of proposed severe budget cuts for EPA, including ending its Great Lakes cleanup program, was enough foreshadowing for Janczy.

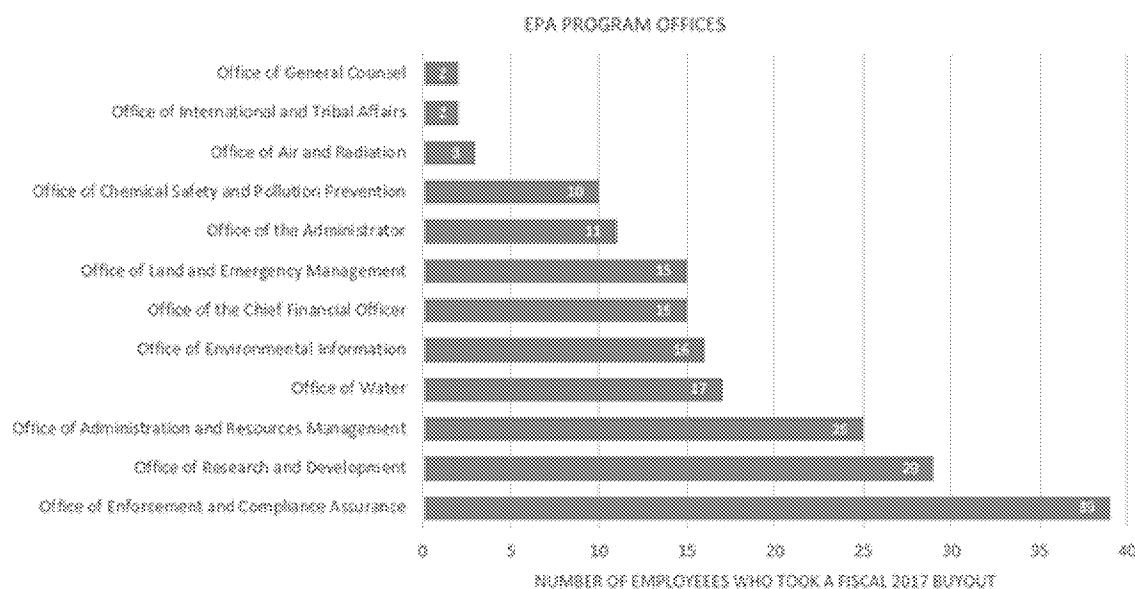
"It didn't appear from the people being selected by the Trump administration that they were going to be favorable to decisions coming from the regulatory agency," he said. "The Scott Pruitts of the world, it all eventually trickles down. They select people of like mind, and it cascades down."

One worry common among former EPA employees who took buyouts was who would do their work in their absence. The agency still has a hiring freeze in place, and it is not clear whether anyone new will be brought on to replace the departed.

"I thought about my colleagues a lot who would have to pick up the slack," Aldridge said. "The work is going to have to be picked up by the rest of people in the group, especially the [National Environmental Policy Act] work."

Janczy said his job may just move to another location.

"My understanding is they are no longer going to have that position based in Wisconsin," he said. "They will have the position in Chicago like all the other state program managers."



[+] Chart: Claudine Hellmuth/E&E News; Data: Obtained under FOIA

'Workforce reshaping'

More buyouts may be in EPA's future.

Under the agency's fiscal 2018 budget justification, EPA proposes drawing \$68.15 million from various program accounts for "workforce reshaping." The agency anticipates the need to offer again early out and buyout packages as well as pay for employees' relocation costs.

The report for the House-passed funding legislation for EPA generally agrees with the agency's effort to streamline its workforce. The report for the Senate appropriations bill is also in favor of the initiative.

Mike Mikulka, president of AFGE Local 704, which represents Region 5 employees, said although the House and Senate bills' funding cuts are not as deep as what was proposed by President Trump's budget plan, both pieces of legislation still target environmental programs and management.

"When you are attacking staff salaries, do you have enough money in the budget to pay the people to keep them on board?" Mikulka said. "If there is not enough money to pay the payroll, they may have to do another buyout."

John O'Grady, president of AFGE Council 238, which represents more than 9,000 EPA employees, said more buyouts are likely.

O'Grady said EPA's overall intention appears to be decreasing staff, scaling back the agency's mission and pushing work onto states already facing tight budgets and slim staffing.

"They're not being filled. We're down to 14,400-some people right now, that's down from 18,100 in 1999, and there's no intention to hire in new people," O'Grady said.

"I believe they're going to scale back what the agency does in fact do and try to essentially foist it onto the states," he said, adding they have their own budget problems. "There's not going to be as much environmental protection."

But Pruitt might be looking to expand the agency's corps of law enforcement officers. "Under the Obama administration, EPA reduced the number of criminal enforcement agents from 206 to 157 — a 24 percent decrease," Bowman said. "Administrator Pruitt is committed to bringing those numbers back up to ensure that EPA has agents available to investigate environmental crimes."

Still, future buyouts may be more attractive. Congress may sweeten the pot for federal employees wishing to take a buyout if it is offered.

Legislation moving through the Senate would boost the buyout payment offered to workers. The [bill](#), sponsored by Sen. James Lankford (R-Okla.), would raise the cap on employees' incentive payments for buyouts from \$25,000 to \$40,000 as well as adjust the limit in accordance with the consumer price index.

The Senate Homeland Security and Governmental Affairs Committee passed Lankford's bill by voice vote last month.

Mikulka said a higher buyout payment would encourage more people to leave EPA.

"If it gets up to \$40,000, there may be more than 28 people taking the buyout, if it's offered," he said, referring to the number of Region 5 employees who took a buyout this last round.

Beyond EPA

Former agency employees who took buyouts have been staying busy since leaving EPA.

Aldridge has focused on traveling and seeing her daughter and grandkids.

Doyle has revived his landscape company and is also working with nonprofit groups, including as a volunteer for the Environmental Protection Network.

Janczy is considering going back to school and plans to take a one-year hiatus from work.

For now, "I'm just around the house, fixing up the house and getting ready for Thanksgiving," Janczy said.

Deschambault, who's also a former mayor of Moraga, Calif., is focusing on the nonprofit she co-founded, the Contra Costa County Climate Leaders, or 4CL, and taking advantage of the holiday break to head off to Baja, Calif., to take part in a four-week Spanish immersion language course.

Ultimately, Deschambault said, she hopes to land work in environmental education or advocacy, possibly working with teens or young college students.

"Perhaps I can weld my 'out of EPA' job into my next career," she said. "I have to work; I was not prepared to retire. This was a reluctant choice to leave."

Reporter Niina Heikkinen contributed.

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THE LEADER IN ENERGY AND ENVIRONMENT NEWS

HURRICANE HARVEY

Wastewater plant spilled 100M gallons in storm, records show

Published: Wednesday, November 22, 2017

A wastewater plant operated by BASF Total Petrochemicals LLC in Port Arthur, Texas, was responsible for the largest single wastewater spill during Hurricane Harvey, with more than 100 million gallons released. But the spill did not hurt the environment, according to the company.

"Our process water systems were not compromised — no process chemicals in the water," said spokesman Bob Nelson. "The release was mostly rainfall, and some floodwaters."

The company uses a number of toxic and carcinogenic chemicals. Officials say heavy rains caused drainage ditches to overflow.

At a separate BASF plant that produces pesticides, floodwaters caused chemical-tainted water to be released as storage tanks overflowed. Nelson said that "trace amounts of nonhazardous process chemicals" were released.

According to state records, Harvey caused about 149 millions gallons of raw sewage and industrial waste to spill from more than 200 facilities in Port Arthur, Houston's refining hub.

Spills are self-reported to the Texas Commission on Environmental Quality, and the agency is still scrambling to get a full picture of the released pollutants and toxic chemicals resulting from the hurricane (Alex Stuckey, [Houston Chronicle](#), Nov. 21). — NB

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